

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FAMILY INNS OF AMERICA, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CV-88
)	(VARLAN/GUYTON)
LEXINGTON INSURANCE COMPANY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This civil action is before the Court pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 35] of the Honorable Thomas A. Varlan, United States District Judge, for disposition of defendant Lexington Insurance Company's Motion for Ricky J. Noland to Show Cause Why He Has Failed to Respond to a Subpoena for the Production of Documents, and to Compel the Production of the Requested Documents [Doc. 31] and Motion for Show Cause Hearing as to Ricky J. Noland. [Doc.32]

The defendant moves the Court order Mr. Noland to show cause why he should not be held in contempt for failing to comply to a Subpoena of the Court. The Subpoena at issue directed Mr. Noland to appear on March 12, 2008, for a deposition and further directed Mr. Noland to bring with him to the deposition "all documents, photos, or tangible items of any nature in [his] possession regarding the Family Inn of America, 154 John McGhee Boulevard, Caryville, TN 37714. The defendant states that Mr. Noland failed to appear for the March 12, 2008 and failed to produce the requested documents.

Mr. Noland has not responded to the defendant's motion and the time for doing so has passed. See E.D.TN. LR. 7.1(a), 7.2. Rule 45 of the Federal Rules of Civil Procedure provides, in pertinent part, that the court from which a subpoena was issued may "hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena." Accordingly, Ricky J. Noland is **ORDERED** to appear before the undersigned on May 6, 2008, at 9:30 a.m. to show cause why he should not be held in contempt for failing to comply with a Subpoena of the Court. Mr. Noland is further **ORDERED** to bring to the hearing all documents, photos, or tangible items of any nature in his possession regarding the Family Inn of America, 154 John McGhee Boulevard, Caryville, TN 37714. Mr. Noland is warned that failure to comply with this Order could result in the imposition of fines and penalties, up to and including imprisonment for failure to comply with a lawful Order of this Court.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge